UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,500	02/05/2001	Nicholas William Sincaglia	21685-06151	8385

758   7590   08/11/2003

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

EXAMINER
EHICHIOYA, FRED I

ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 08/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/777,500	SINCAGLIA ET AL.0
	Examiner	**Art Unit**	
	Fred I. Ehichioya	2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 May 2003_ .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1 - 15, 18, 20 - 22_ is/are pending in the application.

    4a) Of the above claim(s) _(16,17 and 19 are canceled)_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1 - 15, 18, 20 - 22_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _6_ .	6) ☐ Other: .

DETAILED ACTION

1. Claims 1 – 15, 18, 20 - 22 are pending in this office action.

   Claims 1, 2, 9, 18 and 20 are amended.

   Claims 16, 17, and 19 are canceled.

   New claims 21 and 22 are presented.

   Information Disclosure Statement filed on paper No 6 is considered.

2. Applicants' arguments with respect to claims 1 – 15, 18, 20 - 22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

   > (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1 – 15, 18, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,412,004 issued to Ling Tony Chen et al. (hereafter "Chen") in view of U.S. Patent 6,385,596 issued to Philip R. Wiser et al (hereinafter "Wiser").

Regarding claim 1, Chen teaches a method of obtaining media data in a client device from a plurality of media data servers on a network, the method comprising the steps of:

accessing a meta data server (see column 1, lines 25 – 65);

receiving meta data from said meta data server (see column 1, lines 50 – 67 and column 2, lines 1 – 2);

utilizing said meta data to locate at least one data server of said plurality of media data servers on the network (see column 1, lines 44 – 49 and lines 60 – 67);

accessing said media data from said at least one media data server (see column 1, lines 49 – 52),

Chen does not explicitly teach wherein the accessed media data are not usable without additional information; and retrieving an encryption key for the accessed media data from the meta data server, the encryption key allowing use of the media data.

Wiser teaches the accessed media data are not usable without additional information (see column 2, lines 63 – 66); and

retrieving an encryption key for the accessed media data from the meta data server, the encryption key allowing use of the media data (see column 4, lines 13 – 18; column 15, lines 47 – 50; column 17, lines 40 – 42; column 18, lines 37 – 42 and column 19, lines 33 - 38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Chen with the teaching of Wiser wherein the media data are encrypted. The motivation is that the security measures, particularly

the encryption mechanisms, should make the purchased audio unusable outside of the

specific devices and the mechanism also prevents an unauthorized use of these media

data.

Regarding claim 2, teaches a system for a distributed media network and meta

data server, the system comprising:

at least one meta data server connected to a communications network (see

column 1, lines 53 – 55);

at least one media data server for retrieving requested media data, the at least

one media data server connected to the communications network (see column 1, lines

49 – 52),

at least one client transceiver connected to the communications network for

receiving, storing and messaging to said meta data server (see column 1, lines 56 – 59

and column 2, lines 32 – 52); and

at least one meta data information source connected to said at least one meta

data server (see column 1, lines 53 – 55; column 3, lines 55 – 61 and column 4, lines 55

– 58).

Chen does not explicitly teach wherein the retrieved media data are not usable

without additional information; the meta data information source including an encryption

key for decrypting retrieved media data.

Wiser teaches the retrieved media data are not usable without additional

information (see column 3, lines 39 – 50).

the meta data information source including an encryption key for decrypting

retrieved media data (see column 4, lines 13 – 41).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine teaching of Chen with the teaching of Wiser wherein

the media data are encrypted. The motivation is that the security measures, particularly

the encryption mechanisms, should make the purchased audio unusable outside of the

specific devices and the mechanism also prevents an unauthorized use of these media

data.

Regarding claim 3, Chen teaches the meta data information source is a meta

data database (see column 1, lines 54 – 59).

Regarding 4, Chen teaches the meta data information source is a file

management system on a computer (see column 1, lines 40 – 43).

Regarding claim 5, Chen teaches a second client transceiver of said at least one

client transceiver functions as a first media data server of said at least one media data

server, and wherein the at least one meta data server informs said at least one client

transceiver that said second client transceiver functioning as a first media data server

has access to said requested media data (see column 2, lines 40 – 64).

Regarding claim 6, Chen teaches a first client transceiver of said at least one client transceiver transmits, stores, and messages a second client transceiver of said at least one client transceiver of the communications network (see column 4, lines 55 – 67).

Regarding claim 7, Chen teaches a first media data server of said at least one media data server functions as one client transceiver of said at least one client transceiver (see column 6, lines 27 – 31).

Regarding claim 8, Chen teaches a first media data server of said at least one media data server receives, stores and messages a second media data server of said at least one media data server of the communications network (see column 5, lines 45 – 67; column 6, lines 18 – 26 and lines 60 – 67).

Regarding claim 9, Chen teaches a method for receiving and processing requests in a meta data server, said requests received from a client on a communication network, the method comprising the steps of:

receiving a media data request from said client (see column 1, lines 60 – 62 and column 2, lines 57 - 58;

requesting meta data for said media data request from a meta data database, the requested meta data being or a portion of the requested media data (see column 1, lines 63 – 67; column 2, lines 1 – 2 and column 5, lines 59 - 65);

transmitting meta data for said media data request to said client over the communication network (see column 4, lines 55 – 58);

requesting additional meta data for another portion of the requested media data from a meta data database (see column 6, lines 26 – 40);

Chen does not explicitly teach the requested meta data being or a portion of the requested media data that is not usable without an additional portion of the media data and

transmitting the additional meta data to said client over the communication network.

Wiser teaches the requested meta data being or a portion of the requested media data that is not usable without an additional portion of the media data (see column 3, lines 39 – 50) and

transmitting the additional meta data to said client over the communication network (see column 5, lines 4 – 8 and lines 43 – 46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine teaching of Chen with the teaching of Wiser wherein the additional media data is known only to the purchaser of these media data. The motivation is that these portion of the media data provided additional security measures in combination with the encryption mechanisms.

Regarding claim 10, Chen teaches the meta data contains an address for at least one media data server, the method further comprising the steps of:

designating a primary media data server of said at least one media data server based upon criteria gathered from the communication network (see column 7, lines 32 – 59).

Regarding claim 11, Chen teaches the primary media data server is designated as a first media data server of the at least one media data server having the least number of clients accessing media data files (see column 8, lines 64 – 67 and column 9, lines 1 – 22).

Regarding claim 12, Chen teaches the primary media data server is designated as a first media data server of the at least one media data server having a highest reliability rating (see column 4, lines 26 – 33 and column 5, lines 34 – 65).

Regarding claim 13, Chen teaches the primary media data server is designated as a first media data server of the at least one media data server having the highest data throughput (see column 8, lines 31 – 35).

Regarding claim 14, Chen teaches the primary media data server is designated by the meta data server (see column 8, lines 26 – 31).

Regarding claim 15, Chen teaches the primary media data server is designated by the client (see column 8, lines 26 – 31).

Regarding claim 18, Chen teaches requesting an encryption key for the requested media data from a meta data database (see column 9, lines 29 – 33 and lines 56 – 67).

Regarding claim 21, Wiser teaches receiving a log in request from said client over the communication network (see column 20, lines 19 – 43); and

performing a client access permission verification (see column 20, lines 57 – 64 and column 22, lines 20 – 24).

Regarding claim 22, Chen teaches a method for receiving and processing requests in a meta data server, the requests received from a client on a communication network, the method comprising:

receiving a media data request from a client (see column 1, lines 60 – 62 and column 2, lines 57 - 58);

requesting meta data for the media data request from a meta data database (see column 1, lines 63 – 67 and column 2, lines 1 – 2),

transmitting meta data for the media data request to the client over the communication network (see column 4, lines 55 – 58);

Chen does not explicitly teach the requested meta data being encrypted and not

usable without an encryption key; requesting the encryption key for the media data

request from a meta data database; and transmitting the encryption key for the media

data request to the client over the communication network.

Wiser teaches the requested meta data being encrypted and not usable without

an encryption key (see column 7, lines 27 – 33);

requesting the encryption key for the media data request from a meta data

database (see column 4, lines 13 – 27); and

transmitting the encryption key for the media data request to the client over the

communication network (see column 5, lines 1 – 16).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine teaching of Chen with the teaching of Wiser wherein

the media data are encrypted. The motivation is that the security measures, particularly

the encryption mechanisms, should make the purchased audio unusable outside of the

specific devices and the mechanism also prevents an unauthorized use of these media

data.

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in

view of Wiser and further in view of U.S. Patent 6,209,787 issued to Takahito Iida

(hereinafter "Iida").

Regarding claim 20, Chen teaches said meta data comprises at least one data item,

said at least one data item selected from the list of:

a network address of a primary server that has access to the media data file (see

column 7, lines 19 – 31);

a directory structure of a primary storage device that contains the media data file

(see column 9, lines 29 – 38);

a name of the media data file (see column 9, lines 39 – 45);

a network address of at least one alternate server that has access to the media

data file (see column 7, lines 19 – 31);

a directory structure of at least one alternate storage devices that contains the

media data file (see column 9, lines 19 – 38);

a network address of a server that has access to a graphical image associated

with the media data file (see column 4, lines 21 – 23 and column 7, lines 19 – 31);

a directory structure of a storage device that contains a graphical image

associated the media data file (see column 4, lines 21 – 23 and column 9, lines 29 - 31);

a network address of a server that has access to additional information about

artistic work contained in the media data file See column 7, lines 19 – 31; Iida teaches

"artistic work" in column 11, lines 26 – 36);

a directory structure of a storage device that contains additional information about artistic work contained in the media data file (see column 9, lines 29 – 38; Iida teaches "artistic work" in column 11, lines 26 – 36);

a network address of a server which offers a sale of the media data file (see column 7, lines 19 – 35); a directory structure of a storage device that contains sales information for the media data file (see column9, lines 29 – 38);

Chen or Wiser does not explicitly teach a name of and owner of the media data file; a name of a composer of the media data file; a name of the copyright holder of the media data file; a name of a graphical image file associated the media data file; a title of an artistic work contained in the media data file; a title of a body of work in which the media data file is associated; a name of at least one performer of the media data file; a name of at least one composer of artistic work contained on the media data file; a name of at least one creators of the media data file; a name of a file that contains additional information about artistic work contained in the media data file; a name of a file that contains information on a sale of the media data file; a network address of a server which offers a sale of associated products of the media data file; a directory structure of a storage device that contains sales information for the associated products of the media data file; and a name of a file that contains information on sales of associated products of the media data file.

Iida teaches a name of and owner of the media data file (see column 49, lines 20 – 67);

a name of a composer of the media data file (see column 49, lines 20 – 67);

a name of the copyright holder of the media data file (see column 40, lines 49 – 59);

a name of a graphical image file associated the media data file (see column 37, lines 58 – 67 and column 38, lines 1 – 2); a title of an artistic work contained in the media data file (see column 12, lines 17 – 25);

a title of a body of work in which the media data file is associated (see column 11, lines 33 – 36 and column 17, lines 12 – 53); a name of at least one performer of the media data file (see column 12, lines 17 – 25 and column 17, lines 12 – 53);

a name of at least one composer of artistic work contained on the media data file (see column 12, lines 17 – 25 and column 17, lines 12 – 53);

a name of at least one creators of the media data file (see column 17, lines 12 – 53);

a name of a file that contains additional information about artistic work contained in the media data file (see column 11, lines 26 – 36);

a name of a file that contains information on a sale of the media data file (see column 77, lines 29 – 43); a network address of a server which offers a sale of associated products of the media data file (see column 75, line 23 and column 77, lines 29 – 45);

a directory structure of a storage device (see Chen: column 9, lines 29 – 38) that

contains sales information for the associated products of the media data file (see

column79, lines 64 – 67 and column 80, lines 1 – 3); and

a name of a file that contains information on sales of associated products of the

media data file (see column 77, lines 29 – 43).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine teaching of Chen and Wiser with the teaching of Iida

wherein videos, CDs, musical selections or any other multimedia data are selected and

purchased over the network, The motivation is that this purchases are safe and secure

due to encryption mechanism.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
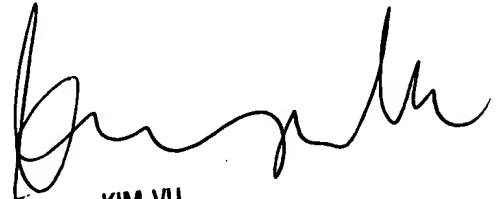
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred I. Ehichioya whose telephone number is 703-305-8039. The examiner can normally be reached on M - F 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 703-305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-303-3900.

Fred Ehichioya
August 7, 2003

KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100